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Docket No.: M-5273-2C US ✓

November 15, 2001

Commissioner For Patents
Washington, D.C. 20231

Re: Applicants: Kevin J. Surace, Roy D. Albert, Mark D. Campbell, James
P. Giangola, Clifford I. Nass, Byron B. Reeves, George M.
White
Assignee: General Magic, Inc.
Title: Voice User Interface With Personality
Serial No.: 09/924,420
Examiner: Unknown Filed: August 7, 2001
Docket No.: M-5273-2C US Group Art Unit: Unknown

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Return Receipt Postcard;
- (2) This Transmittal Letter - in duplicate (2 pages each);
- (3) Preliminary Amendment (8 pages);
- (4) Copy of Notice Of Omitted Item(s) In A Nonprovisional Application (2 pages);
- (5) Petition Under 37 C.F.R. §1.53(e) and Response to Notice Of Omitted Item(s) In A
Nonprovisional Application (2 pages) including a copy of Pages 80-99, 102, 103, and 109 of
the original specification as filed August 7, 2001 (14 pages);
- (6) Copy of the Return Receipt Postcard as stamped by the USPTO;
- (7) Copy of the Transmittal Letter dated August 7, 2001;
- (8) Information Disclosure Statement (1 page); and
- (9) Form PTO 1449 (1 page) citing 1 reference (copy enclosed).

- ☐ No additional fee is required.
☒ The fee has been calculated as shown below:

CLAIMS AS AMENDED (fees computed under 37 CFR §1.9(f))

	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate		Additional Fee
Total Claims	36	Minus	104	=	0	x \$ 9.00	\$	0.00
Independent Claims	1	Minus	3	=	0	x \$42.00	\$	0.00
<input checked="" type="checkbox"/> Fee for Petition Under 37 C.F.R. §1.53(e)							\$	130.00
<u>Total additional fee for this Amendment:</u>							\$	<u>130.00</u>
<input checked="" type="checkbox"/> Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.								
<input checked="" type="checkbox"/> Please charge our Deposit Account No. 19-2386 in the amount of							\$	<u>130.00</u>

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/924,426	08/07/2001	Kevin J. Surace	M-5273-2C US

CONFIRMATION NO. 3741

FORMALITIES LETTER



OC000000006583205

Shireen Irani Bacon
Skjerven Morrill MacPherson LLP
Suite 700
25 Metro Drive
San Jose, CA 95110

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Date Mailed: 09/20/2001

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NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 80-99, 102,103,109 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



Customer Service Center

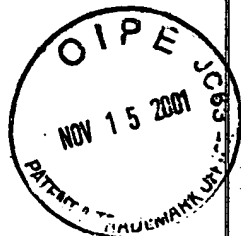
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

43

Applicants: Kevin J. Surace, Roy D. Albert, Mark D. Campbell, James P. Giangola,
Clifford I. Nass, Byron B. Reeves, George M. White
Assignee: General Magic, Inc.
Title: Voice User Interface With Personality
Serial No.: 09/924,420 Filing Date: August 7, 2001
Examiner: Unknown Group Art Unit: Unknown
Docket No.: M-5273-2C US



RECEIVED

San Jose, California
November 15, 2001

COMMISSIONER FOR PATENTS
Washington, D. C. 20231

NOV 15 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS
PETITION UNDER 37 C.F.R. § 1.55(e) AND
RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL
APPLICATION

Dear Sir:

In response to the Notice of Omitted Item(s) mailed September 20, 2001, which stated that pages 80-99, 102, 103, 109 of the original specification of the above-referenced application were omitted from the application papers filed August 7, 2001, Applicants respectfully submit a copy of pages 80-99, 102, 103, 109.

In conformance with option (I) of the Notice of Omitted Item(s), Applicants contend that pages 80-99, 102, 103, 109 of the specification were in fact deposited with the U.S. Patent and Trademark Office on August 7, 2001 with the nonprovisional application papers. Enclosed please find a photocopy of the return receipt postcard stamped by the U.S. Patent and Trademark Office, according the filing date of August 7, 2001. The return receipt postcard confirms that all the pages of the original specification were included with the application as filed. Also enclosed is a photocopy of the Transmittal Letter dated August 7,

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LAW OFFICES OF
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2001, which indicates that all the pages of the original specification were filed with the application. Accordingly, it is believed that pages 80-99, 102, 103, 109 of the above-referenced application must have been lost during processing within the Patent and Trademark Office.

The U.S. Patent and Trademark Office is hereby authorized to charge the following fees to Deposit Account No. 19-2386:

1. Petition Fee (37 C.F.R. §1.17(h)) \$ 130.00

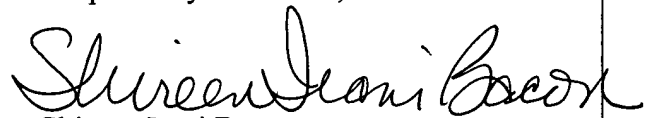
The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 19-2386.

Applicants respectfully request that the petition fee be refunded and that the above-identified application in its entirety be given the August 7, 2001 filing date. Please telephone the undersigned at (512) 794-3600 if there are any questions regarding this matter.

EXPRESS MAIL LABEL NO:

EL708268945US

Respectfully submitted,


Shireen Irani Bacon
Attorney for Applicants
Reg. No. 40,494
(512) 794-3601 (fax)

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MACPHERSON LLP

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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	M-5273-2C US
	First Named Inventor or Application Identifier	Kevin J. Surace
	Title	Voice User Interface With Personality
	Express Mail Label No.	EL764882165US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Commissioner for Patents Box Patent Application Washington, D.C. 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form - <i>see page 2 of this form.</i> (Submit an original, and a duplicate for fee processing) 2. Application: <input checked="" type="checkbox"/> Specification: (preferred arrangement set forth below) Descriptive title of the Invention, Cross References to Related Applications, Reference to Microfiche Appendix, Background of the Invention, Brief Summary of the Invention, Brief Description of the Drawings, and Detailed Description (all totaling 79 pages) Appendices A & B (24 pages) <input checked="" type="checkbox"/> Claims <u>27</u> pages <input checked="" type="checkbox"/> Abstract of the Disclosure <u>1</u> page 3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets <u>18</u>] 4. Oath or Declaration <input type="checkbox"/> unsigned [Total Pages <u>2</u>] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from prior application (37 CFR §1.63(d)) (for continuation/divisional with Box 17 completed) c. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 5. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	6. <input checked="" type="checkbox"/> Six (6) Microfiche Computer Program Appendix consisting of <u>19</u> pages of microfiche containing <u>1,270</u> frames on each page in accompanying envelope. 7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies
ACCOMPANYING APPLICATION PARTS	
8. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & documents) <u>5</u> pages 9. <input type="checkbox"/> 37 CFR §3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney (combined when there is an _____ with Patent Declaration Assignee) above.) 10. <input type="checkbox"/> English Translation Document (if applicable) 11. <input checked="" type="checkbox"/> Information Disclosure <input type="checkbox"/> _____ Copies of IDS Statement (IDS) & <input checked="" type="checkbox"/> PTO-1449 Citations/References References not included. Cited in parent application <u>SN 09/654,174</u> 12. <input checked="" type="checkbox"/> Preliminary Amendment & Appendices <u>6</u> pages 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (should be specifically itemized) 14. Small Entity Status <input type="checkbox"/> Small Entity Statement Enclosed _____ pages <input checked="" type="checkbox"/> Statement filed in prior application; and status still proper and desired <input type="checkbox"/> Is no longer claimed. 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input checked="" type="checkbox"/> Other: <input checked="" type="checkbox"/> Substitute Specification (87 pages)	

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information and a preliminary amendment: <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional of prior application No. <u>09/654,174</u> Filed on <u>September 1, 2000</u> , entitled <u>Voice User Interface With Personality</u> PRIOR APPLICATION INFORMATION: Examiner <u>R. Dorvil</u> Group Art Unit <u>2741</u>

18. CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number or Bar Code Label or <input checked="" type="checkbox"/> Correspondence address below					
Name	Shireen Irani Bacon			Reg. No. 40,494	
Attorneys for Applicant	Skjervén Morrill MacPherson LLP				
Address	25 Metro Drive, Suite 700				
City	San Jose	State	CA	Zip Code	95110
Country:	United States	Telephone	(512) 794-3600	Fax	(512) 794-3601

Please type a plus sign (+) inside this box



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

19. Fee calculations.

CLAIMS (Number Filed)	(1) FOR	(2)		(3) NUMBER EXTRA		(4) RATE		(5) CALCULATIONS
104	TOTAL CLAIMS (37 CFR 1.16(c))	-20	=	84	x	\$18	=	\$1,512.00
3	INDEPENDENT CLAIMS (37 CFR 1.16(b))	-3	=	0	x	\$80	=	\$ 0.00
<input type="checkbox"/>	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.18(d))				+	\$260.00	=	
						BASIC FEE (37 CFR 1.16(a))	=	\$ 710.00
						Total of above Calculations	=	\$2,222.00
						Reduction by 50% for filing by small entity (Note 31 CFR 1.9, 1.27, 1.28)	=	\$1,111.00
						TOTAL	=	\$1,111.00

20. **FEES:** The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **19-2386**:

- a. ☒ Fees required under 37 CFR 1.16. (U.S. Application Filing Fees)
- b. ☒ Fees required under 37 CFR 1.17. (Conditional Extension of Time Fees)
- c. ☐ Fees required under 37 CFR 1.18. (Patent Issue Fees)

21. ☐ Other: _____

NOTE:

The prior application's correspondence address will carry over to this UPA UNLESS a new correspondence address is provided below.

22. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code
Label

☐ New correspondence address
below

NAME					
ADDRESS					
CITY	STATE	ZIP CODE			
COUNTRY	TELEPHONE	FAX			

23. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Skjerven Morrill MacPherson LLP 25 Metro Drive, Suite 700 San Jose, CA 95110 Tel. (408) 453-9200 Fax. (408) 453-7979	
Date:	August 7, 2001
Name	Shireen Irani Bacon Reg. No. 40,494
Signature	
Express Mail Label No.	EL764882165US

20. The apparatus as recited in Claim 1 wherein the logic that provides the personality comprises controlling the selection of the first voice signals output by the voice user interface such that the voice user interface with personality behaves consistently with social and emotional norms, including politeness, while interacting with the user.

21. The apparatus as recited in Claim 20 wherein the first voice signals comprise a word that is within a recognition grammar of the voice user interface.

22. The apparatus as recited in Claim 20 wherein the logic that provides the personality comprises controlling the selection of the first voice signals output by the voice user interface such that the voice user interface with personality addresses a user by a proper name of the user.

23. The apparatus as recited in Claim 20 wherein the voice user interface with personality suggests responses available to the user that are polite and socially appropriate, thereby permitting the user to be